

Naples City Council September 23, 2021 Minutes

The regularly scheduled meeting of the Naples City Council was held September 23, 2021, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dan Olsen and Kenneth Reynolds. Dennis Long was absent.

COUNCIL MEMBERS ATTENDING

Others attending were Jason Ellsworth, Eric Ellsworth, Beau, E., Ethan C., Stephanie Adams, Scott Adams, Andrew Bentley, Stephanie Stensgard, Gregg Stensgard, Cameron Alexander, Colin Cooper, Erick V., Braden Bender, Bonnie Cook, Mark Cook, Alexander Hernandez, Bobby Oosteven, Jessy McKee, Zack Henline, Troy Ostler, S. Hiatt, K. H., James Richards, Fernando Rivera, Jerry M., Kaden C., Bart Jensen, Byron Terry, T. Webb, Bronson Aldridge, Chiara Aldridge, Ryan Cook, Szeth Simmons, Andrew Cox, Mike Davis, and Nikki Kay.

OTHERS ATTENDING

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Robert Hall offered the invocation.

OPENING CEREMONY

Mayor Baker asked for approval of the agenda. Kenneth Reynolds **moved** to approve the agenda. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

The minutes of the regular city council meeting of September 9, 2021 were presented for approval. Robert Hall **moved** to approve the minutes. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting in the affirmative.

MINUTES APPROVED

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Councilman Kitchen asked about the reservation for the practice softball field. Nikki said they contacted the person putting it together and told them what the City would require and the person stated they were trying to get all of the fields up town and if they

FOLLOW UP ITEMS FROM PREVIOUS MEETING

still needed the fields at the Naples Park they would get back in touch with the City.

Nikki Kay presented the bills for payment in the amount of \$69,985.03. Dan Olsen **moved** to approve payment of the bills as presented. Kenneth Reynolds **seconded** the motion the motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

APPROVAL OF THE BILLS

A business license application was received for **TNT Hydroseeding & Land Services** located at 2105 S 2000 E. It was noted this application was first applied for in June and the owner was told he would need to obtain a landscaping license. The license number was provided to the City and verified by Dale Peterson who recommended the license for approval. Robert Hall **moved** to approve the business license for TNT Hydroseeding. Kenneth Reynolds **seconded** the motion. The motion passed with all voting in the affirmative.

BUSINESS LICENSE APPROVALS

Ryan Cook stated they have two spots on 1500 South where they have some drainage issues that have caused damage to the road. He stated the first place was just after you go through the gulch where the property owners have paved the whole stretch of their property in front of their house and garage to the road and the other area is just east of that. Ryan reported they posted this for bid and contacted several contractors. He stated they received two bids, one from CKC Operations for \$95,630.44 and one from Burdick Materials for \$83,639.80. Ryan said the bids were reviewed and checked for correctness and completeness by CIVCO Engineering and the recommendation was to award the bid to Burdick Materials in the amount of \$83,639.80. Ryan reported the time frame for completion was fifteen days from start to finish and the company hopes to be able to start in the next two weeks. Gordon Kitchen **moved** to approve and award the bid to Burdick Paving. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

PRESENTATION AND AWARD OF BID FOR 1500 SOUTH DRAINAGE REPAIRS

Robert Hall	Aye
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Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mike Davis presented a change to chapters 02-22, 02-23, and 02-21 of the Land Use Ordinance. Mike explained the change came about when an agricultural lot split was presented to the City and State Code 10-9a-605 was found, where the requirement for a plat is exempt when dividing agricultural land when the lot or parcel will not be used for any nonagricultural purpose. He stated the Planning Commission recommended adding this State Code into the affected chapters of the Land Use Ordinance. Kenneth Reynolds **moved** to approve the change to those chapters and to adopt Ordinance 21-239. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

APPROVE CHANGES TO CHAPTERS 02-22, 02-23, AND 02-21 OF THE LAND USE ORDINANCE - ORDINANCE 21-239

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Council members received a recommendation from the Planning Commission to rezone property located at 1800 E 1500 S from RA-1 to I-1. Mike Davis explained the property being considered for the rezone has been a trucking company in the past. The property was considered grandfathered in for the Industrial use and then it lapsed in use and reverted back to the RA-1 zone. The owner of the property thought it was Industrial and then when he went to try and sell it, he was told the property was RA-1. The recommendation of the Planning Commission was to approve the zone change. Mayor Baker told the Council, it was brought up in the Planning meeting, that whenever industrial butts up against residential then a privacy fence is required. Mike Davis read the Land Use Code listing the code for the requirement of the six-foot privacy fence between industrial and residential. He said the discussion has been when does that requirement kick in? What triggers the need for the fence? Council members felt like this was grandfathered in and if any other building should be constructed on the site then the fence requirement would come into play. Nikki explained to the Council, when the use of the property stopped being industrial for a year then the property reverted back to the zone it was located in, which was

RECOMMENDATION TO REZONE PROPERTY FROM RA-1 TO I-1 FOR PROPERTY AT 1700 EAST 1500 SOUTH

residential. It was a non-conforming use in a residential zone and now it is a residential property and would have to be re-zoned industrial. The owner of the property was in attendance and stated he wouldn't be able to sell the property unless it is industrial. Councilman Reynolds stated they would require anyone else that was changing a zone to build a fence and they can't pick and choose so it should be required in this case also. Councilman Reynolds said that would be his impression. Councilman Kitchen wanted to know what the requirement would be, would it be only between the residential home next to it? Mike stated it would have to go all the way around it because residential is all the way around, even though there is only the one home. Mayor Baker stated the Planning Commission was okay with the request to re-zone but discussed the requirements. Mike asked the Council what triggers the zone change. Does the owner have to put up the fence and then the zone change is approved or does a fence have to be built before a business license would be issued? Councilman Olsen said the zone change triggers it and the ordinance kicks in with the requirements. Councilman Reynolds said what they are faced with is to zone it to an industrial zone. Councilman Hall said yes, and then it would be subject to the ordinance that is already on the books. Councilman Reynolds stated he is not in favor of more industrial but the Planning Commission recommended they approve it and no one came to object to it. Councilman Olsen asked him if that was a motion. Mike Davis asked them to be clear on the motion and what would be required. He wanted to know what conditions they were putting on that. Councilman Reynolds said they would have to comply with the ordinance for the conditions of a new zone. Mike Davis asked if that meant the provisions of a fence would be part of it before they do an industrial zone. Council members said no, they would create the zone and then the requirements would be in effect. Mike asked who then enforces that, would it be part of the business license. Councilman Hall said they should re-zone it as the Planning Commission recommended, the ordinance kicks in, and whoever buys it understands the fence has to be built before a business license can be issued. He stated the owner would need to disclose that and he would make that in the form of a **motion**. The current owner of the property was in attendance and they asked him if his buyer would be okay with the fence requirement. He stated he believed he would be okay with it. Council members stated they would be okay with the change in the zone as long as it is understood the fence will need to be put up, either by the current owner or

the buyer. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mike Davis explained this discussion for the creation of a new 1-B-zone came about because of a discussion that came before the Planning Commission to rezone Pheasant Run from an R-2 to an R-1 when the current development agreement expires. Mike stated there were residents of Pheasant Run at the meeting who expressed their okay with the zone reverting back to an R-1 but there were some concerns about the size of the lots and the development that has already taken place. The Planning Commission chose to table the discussion at that meeting but brought up the idea of an in-between or middle zone at one of their next meetings, they thought it would make it easier for future development of the subdivision. Mike stated the Planning Commission learned that the Council didn't want another zone and they also discussed that the creation of a new zone would be open to future developers so they decided to send this discussion forward to the Council. Councilman Olsen wanted to know what the pros and cons were in the discussion held in the Planning meeting. Councilman Reynolds said the current zone of Pheasant Run was created solely for this development. He said the Planning Commission was trying to come up with a middle ground for the developer and any future developments. He said they want a discussion from the Council to see what their thoughts were. Councilman Reynolds said there is still two years before this comes to Council before a decision has to be made. Councilman Kitchen asked about the green space that was part of the original agreement and wanted to know if that was still in the developer's plan. Mayor Baker said it's still in the original agreement. Councilman Kitchen said if the developer doesn't do anything at the end of the two years he would rather see if go back to the R-1. Mike Davis said the Planning Commission just wanted to see if the 1-B zone was something the Council wanted to consider. Councilman Kitchen said he would rather see it stay the 100' frontage.

***DISCUSSION
REGARDING CREATION
OF 1-B ZONE***

Council members thought that was the consensus. Council Olsen said the larger lots allow that extra frontage for all of the boats and trailers people have now. Councilman Reynolds stated he wanted it to stay R-1 but the developer still has two years of the agreement before any change can be made. Councilman Hall stated he would rather not create another zone if they can help it but could see how the discussion came up. He said if the zone is in the ordinance then it would be available to be used by other developers. Mr. Oostveen wanted to know if that meant the City wasn't open for any entry level housing. Councilman Reynolds stated they do have a zone created for higher density housing. Mayor Baker said they wanted the minutes to show, this Council, would like to see the zone in Pheasant Run change back to the R-1 when the developers' agreement runs out. Andrew Bentley, who sits on the Planning Commission, stated it was never the Planning Commissions idea to create a whole new zone that would be able to be used everywhere. He said when they initially held a public hearing to discuss this with the current residents, those who attended did not want the subdivision to revert back to an R-2. He said there was a contingent there that also wasn't sure about the R-1 because they didn't know how the subdivision would finish out and how it would affect land values. He said the Planning Commission was trying to be agreeable to the developer but also to those who live in the subdivision that felt they aren't quite an R-2 but they aren't quite an R-1; that was the reason for the discussions. Mr. Bentley said they also realized they might be creating a new zone that could be used by others and that was not their intent. Jessy McKee, also a member of the Planning Commission, stated they felt like they were directed by staff to come up with something like this so it wouldn't revert back to an R-2 but then there was confusion when they learned it was not really what the Council wanted. With no other discussion, no action was taken on this matter.

Mayor Baker asked for a motion to go into a public hearing to open and amend the FY 2021/2022 budget. Robert Hall moved to go into a public hearing. Dan Olsen seconded the motion. The motion passed with all voting aye.

***PUBLIC HEARING TO
OPEN AND AMEND FY
2021/2022 BUDGET***

Mike Davis gave the Council a new report he likes to use. He said they need to do a few changes on the budget. Mike said he likes to look at the economic indicators on sales tax and highway tax. He explained in 2020 the City had a drop of about \$200,000 and in 2021 things still dropped but not as bad. Mike stated the City has come up a little but because we have more industrial, the rise has been slower. Mike stated the changes made were to bring in the true certified tax rate, to budget the ARPA funds, a change in police travel, and the payment for the lease vehicles. Mike stated, in the past, the CARES funds have been a little more wide open where the ARPA funds are a little more restricted. He said he would like to use the money more to replenish revenue and take the expenses for the two new vehicles and code them to specific departments. Councilman Kitchen asked Mike how long the City has to use that money. Mike said they have the next four years. Mike stated they would like to increase funds for sidewalk trip hazards and to put rock around the base of the dinosaur. He said the adjustments talked about would be about \$30,000 and he will make an adjustment in the amount being transferred to capital projects roads to make it balance. Mike stated they would also be moving money within the capital projects roads from the chip seal budget to another road project. Mayor Baker opened the meeting to public comments at this time and asked those in attendance to make their comments in regards to the budget. Jessy McKee said he thought the manager's plan looked good and he also asked if the Council would let him have time under other matters to give them an information handout and take a few minutes to answer questions about his sign. Stephanie Adams asked a question about where the expenditure for the two vehicles that were recently purchased came from and who was using those. Mike Davis stated the Council believed the use of the incoming ARPA funds was wide open and used money to purchase those with that belief and he stated he drives one and the other is currently parked at the old fire station. Mark Cook asked who approved the purchase of the trucks. The Council stated they gave that approval. With no other comment, Kenneth Reynolds moved to close the public hearing. Dan Olsen seconded the motion. The motion passed with all voting in the affirmative. Councilman Kitchen raised the question about the rocks around the dinosaur and wondered if they could use Redevelopment funds for that

and not use general funds. Mike stated they could do that. Mayor Baker said they would just need to approve that expenditure in Redevelopment.

Mayor Baker reported that one of the engineers that had been working with Joshua Bake on tying 2850 S into High Country Subdivision contacted him about moving forward with the project. Mayor Baker stated the road extension would go through private property and the City would need to see about obtaining property for that. He stated there is a sewer easement that runs through the property and they would try and follow that sewer alignment. Mayor Baker said they have had favorable discussions with one of the land owners and believed they would need to obtain a rough appraisal for the land and then see if the owners were open to it. Mayor Baker wanted to know if they wanted to move forward with it or drop it. Ryan Cook stated the economic development planner that was here really like the idea of it. Council members determined to leave the matter to Mike and when he's ready to move on he can bring it back to Council.

***DISCUSSION ON 2850
SOUTH EXTENSION***

Jessy McKee asked the Council if he could be heard on his sign issue. He said he had some information he would like to hand out and have a few minutes to discuss his sign. Jessy stated he thought he was supposed to be on the agenda and then was taken off. Mayor Baker stated he was not on the agenda and he didn't want to open it up for discussion. He stated he could provide the information to Nikki and she could get it to Mr. Judd. Councilman Hall and Councilman Kitchen stated they would take the information Jessy had and if he wanted to speak with them individually after the meeting they would do that.

***OTHER MATTERS -
FUTURE COUNCIL
MATTERS***

With no other business before the Council, Dan Olsen **moved** to adjourn the meeting at 8:50 p.m. Kenneth Reynolds **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 14th DAY OF OCTOBER 2021

BY: _____

ATTEST: _____